

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States District Court
Southern District of Texas
FILED

MAR 12 2019

No. 17-20113

United States Court of Appeals
Fifth Circuit

FILED

February 15, 2019

Lyle W. Cayce
Clerk

David J. Bradley, Clerk of Court

D.C. Docket No. 4:14-CV-2819

FLORA NALL, as Personal Representative of the Estate of Michael Nall,
substituted in place and stead of Michael Nall, deceased

Plaintiff - Appellant

v.

BNSF RAILWAY COMPANY,

Defendant - Appellee



Certified as a true copy and issued
as the mandate on Mar 11, 2019

Attest: *Lyle W. Cayce*
Clerk, U.S. Court of Appeals, Fifth Circuit

Appeal from the United States District Court for the
Southern District of Texas

Before ELROD, COSTA, and HO, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

It is ordered and adjudged that the judgment of the District Court is affirmed in part, reversed in part and remanded to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that defendant-appellee pay to plaintiff-appellant the costs on appeal to be taxed by the Clerk of this Court.

GREGG COSTA, Circuit Judge, specially concurring.

JAMES C. HO, Circuit Judge, dissenting.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

March 11, 2019

Mr. David J. Bradley
Southern District of Texas, Houston
United States District Court
515 Rusk Street
Room 5300
Houston, TX 77002

No. 17-20113 Michael Nall v. BNSF Railway Company
USDC No. 4:14-CV-2819

Dear Mr. Bradley,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Enclosed for the district court and counsel is the approved bill of costs.

Sincerely,

LYLE W. CAYCE, Clerk



By: Christina A. Gardner, Deputy Clerk
504-310-7684

cc: Ms. Marianne Marsh Auld
Mrs. Caitlyn Hubbard
Mr. Bryan Patrick Neal
Mr. Micah Randall Prude
Mr. Nitin Sud
Mrs. Rae T. Vann